

## **REMARKS**

### **I. INTRODUCTION**

Claims 1 and 7 have been amended. Claims 4 and 5 have been cancelled. The amendments to claims 1 and 7 incorporate subject matter previously recited in cancelled claim 5. No new matter has been added. Claims 1, 2, 6-9, and 11 are pending in the present application. In view of the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

Applicants respectfully submit that the amendments should be entered because they are substantially the same recitations from cancelled claim 5 that was previously examined by the Examiner.

### **II. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN**

Claims 1, 2, 4-9 and 11 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Khan et al. (U.S. Patent Publication No. 2004/0171934) in view of Gordon (U.S. Patent No. 5,938,645).

Claim 1 recites, “[a] catheter system, comprising: a first catheter element with at least a first active localizer corresponding to a portion of the first catheter element, the first active localizer indicating a spatial position of the portion of the first catheter element; a second catheter element with at least a second active localizer corresponding to a portion of the second catheter element, the second active localizer indicating a spatial position of the portion of the second catheter element, *wherein at least one of the localizers contains an independent source for electromagnetic or acoustic radiation*; and a fixing device for fixing a position of at least one of the catheter elements in a surrounding vessel, wherein the first and the second catheter element are slidably coupled, and wherein the first and the second active localizers simultaneously indicate the spatial positions of the portions of the first and second catheter elements.”

In rejecting claim 5 that included substantially the same recitation as the emphasized portion of claim 1, the Examiner cites claim 1 of Khan. (*See*, Final Office Action, p. 3). Claim 1 of Khan recites a medical device having “three or more magnetic resonance tracking coils.” Khan describes a system that includes a magnet 26 in a magnet housing 24 that are used to generate a homogenous magnetic field and an external coil 30 that surrounds the patient and emits radiofrequency energy at predetermined times. (*See* Khan, ¶ [0021], Fig. 4). The recited magnetic resonance tracking coils “detect magnetic resonance signals generated in the patient, responsive to the radiofrequency field created by the external coil 30. (*See Id.* at ¶ 23). The present application describes a similar method of detecting external magnetic signals. (*See e.g.*, Published Application, ¶ [0013]). This embodiment was recited in cancelled claim 4. However, the present application also describes embodiments that independently generate electromagnetic or acoustic radiation. (*See e.g.*, Published Application, ¶ [0014]). This was initially recited in claim 5 and has now been rewritten into independent claim 1. Applicants respectfully submit that Khan does not teach or suggest “*wherein at least one of the localizers contains an independent source for electromagnetic or acoustic radiation,*” as recited in claim 1. As described above, the tracking coils of Khan only act in dependence on the presence of the external field. The tracking coils are not an independent source of electromagnetic or acoustic radiation. Accordingly, the Applicants respectfully request the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn. Because claims 2, and 6 depend on and, therefore, contain all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 7 has been amended to recite “*wherein at least one of the localizers contains an independent source for electromagnetic or acoustic radiation.*” Accordingly, for the same reasons described with respect to claim 1, the rejection of claim 7 under 35 U.S.C. § 103(a) should be withdrawn. Because claims 8, 9, and 11 depend on and, therefore, contain all of the limitations of claim 7, it is respectfully submitted that these claims are also allowable.

**CONCLUSION**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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